

Amendments to the Drawings

The attached Replacement Sheets of drawing include changes to FIGS. 3 and 8. These sheets, which include FIGS. 3 and 8, replace the original sheets including FIGS. 3 and 8. In FIG 3, the label T2 has replaced the label T1 in the upper right of the figure. In FIG. 8, the label Prior Art has been added to the figure.

### Remarks

Claims 1, 3, 6 and 11 have been amended. The specification and drawings have been amended. Claim 12 has been added. Please charge the claim fee of \$200.00 and any additional claim or other fees for entry of this Amendment to our Deposit Account No. 03-0315.

The Examiner has objected to the drawings on a number of grounds. In particular, the Examiner has indicated that FIG. 8 should be labeled as "Prior Art." The Examiner has also indicated that the drawings fail to include the following reference numbers: reference number 104 on line 21 of page 11; reference number 122 on line 20 of page 12; and reference indicator T1 on line 9 of page 17.

In order to avoid these objections, applicant has amended the drawings and specification as above set forth and in compliance with 37 CFR § 1.121(d) and 1.84(c). In particular, FIG 8 of the drawings has been amended to include the legend "Prior Art." Also, FIG. 3 has been amended to include the indicator T2 referred on line 9 of page 17. Moreover, the specification has been amended at page 11, line 21, to change the number "104" to --107-- (shown in FIG. 1) and at page 12, line 20, to change the number "122" to --123-- (shown in FIG. 1). Accordingly, the drawings now comply with the provisions of MPEP §608.02(g) and 37 CFR § 1.84(p)(5).

The Examiner has also objected to the Title of the Invention as not descriptive of the invention. Applicant has amended the Title as above set forth and believes that the amended Title is now descriptive of the invention.

The Examiner has also rejected applicant's claims 1-4, 6-8 and 11 under 35 USC 103(a) as unpatentable based on the McKain, et al. (WO 96/26600) reference in view of the Johnson, et al. (US 6,163,338) patent. Additionally, claims 5, 9 and 10 have likewise been rejected under 35 USC 103(a) as unpatentable based on the latter two references taken with the Matsui, et al. (US 6,674,955) patent. With respect to applicant's claims, as amended, these rejections are respectfully traversed.

Applicant's independent claims 1, 6 and 11 have been amended to better define applicant's invention. Specifically, independent claims 1 and 11 have been amended to clearly recite that a recording apparatus of the present invention, which includes a memory for storing input moving image data (and audio signal) and a recording medium interface for recording the image signal (and the audio signal) read out from the memory on a recording medium, is arranged to control the recording medium interface so as to start recording the moving image signal (and the audio signal) read out from the memory in response to the record start instruction and to stop recording the moving image signal in response to the record stop instruction so that the recording medium interface reads a preceding moving image signal (and audio signal) stored in the memory during a first predetermined period immediately before the recording start instruction, a main moving image signal (and audio signal) stored in said memory during a period from the recording start instruction to the recording stop instruction and a succeeding moving image signal (and audio signal) stored in said memory during a second predetermined period immediately after the recording stop instruction and records the main moving image signal on the recording medium together with the preceding moving image signal (and audio signal) and the succeeding moving image signal (audio signal) (see, e.g., steps S202 to S206 in applicant's Fig. 2).

That is, the recording apparatus of the present invention is arranged to control read-out of the stored signal from the memory in the specific manner to record the read-out signal on the recording medium. The above-described features of the present invention are not taught or suggested by the cited McKain, et al. and Johnson, et al. references.

The McKain, et al. reference discloses a digital video camera having an editing function (abstract). Specifically, this reference discloses the storing of loop of video information of several seconds into a loop memory such as a ring-shaped buffer and adding the data of the loop to the head of a clip recorded immediately after the loop data when other recording is invoked (e.g., page 25, lines 29-32). However, the McKain, et al. reference is silent as to the manner of read-out control of the memory functioning together with moving image data recording start and stop instruction means, as recited in the amended independent claims 1 and 11.

The Johnson, et al. patent discloses a video image pickup system which is arranged to pick up a video image of natural and man-caused events. Specifically, this reference discloses to freeze an image stored in a memory, in response to detection of unpredictable events such as a collision of vehicles, an earthquake or lightening. (e.g., abstract and column 5, lines 35-52). The time frame for freezing the image is triggered by the event and images before and after the event are frozen. However, this reference also fails to teach or suggest controlling the signal read-out of a memory to record the read-out signal on a recording medium in response to moving image data recording start and stop instructions, as recited in the amended independent claims 1 and 11.

Applicant first submits that due to the different problems being solved and the different solutions provided, a skilled artisan would not be motivated to combine or view the McKain, et al. reference with the Johnson, et al. patent. In any case, even assuming the references could be viewed together, neither reference teaches or suggests controlling the signal read-out of a memory to record the read-out signal on a recording medium in response to moving image data recording start and stop instructions. Accordingly, applicant's amended independent claims 1 and 11, and their respective dependent claims, patentably distinguish over the combination of the McKain, et al. and Johnson, et al. references.

Applicant's independent claim 6 has been amended to clearly recite that a recording apparatus of the present invention is arranged to record an input moving image signal on a recording medium as a moving image stream including the moving image signal inputted by input means immediately before the recording start instruction and the moving image signal inputted by the input means immediately after the recording stop instruction and generate play list data according to the recording operation of the moving image signal so that the play list data is arranged to control a reproducing process of the moving image stream by recording means so as to inhibit reproducing of the moving image signal of a first predetermined period from a head of the moving image stream to the recording start instruction and a second predetermined period from the recording stop instruction to an end of the moving image stream, and reproduce the moving image signal of a period other than the first and second predetermined periods in the moving image stream (e.g., see the description page 8).

These features of amended claim 6 are also not taught or suggested by the McKain, et al. and Johnson, et al. references. The Examiner, in the Office Action, refers to Table I (page 15) of the McKain, et al. reference. However, this table merely shows clips which have been

actually recorded, and therefore fails to teach the play list data arranged as recited in the amended independent claim 6. In addition, the play list of the McKain, et al. reference is programmed in an editing mode after recording processing is completed, while in the present invention, the generating means generates the play list data in accordance with the recording operation.

Applicant's amended claim 6, and its respective dependent claims, thus patentably distinguish over the McKain, et al. and Johnsen, et al. references

New claims 12 recites that a recording apparatus of the present invention is arranged to update a play list in response to recording of new moving image data so as to reproduce successively a plurality of already-recorded moving image data and the new moving image data. This feature of the present invention also is not taught from the Table I of the McKain, et al. reference.

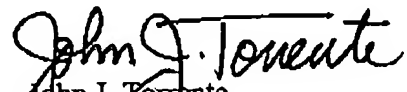
The cited Matsui, et al. patent adds nothing to the McKain, et al. and Johnson, et al. references to change the above conclusions.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: May 10, 2005

COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, New York 10036-6799  
(212) 790-9200

Respectfully submitted,

  
John J. Torrente  
Reg. No. 26,359  
An Attorney of Record